



WJ 2761

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Jay S. Walker et al. )  
)  
For: SETTLEMENT SYSTEMS AND ) Examiner: Not Yet Assigned  
METHODS WHEREIN A BUYER )  
TAKES POSSESSION AT A )  
RETAILER OF A PRODUCT )  
PURCHASED USING A )  
COMMUNICATION NETWORK )  
)  
Serial No.: 09/348,566 ) Group Art Unit: 2761  
)  
Filing Date: July 7, 1999 ) Docket No.: WD2-98-120

Assistant Commissioner for Patents  
Washington, D.C. 20231

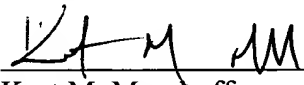
TRANSMITTAL LETTER

Applicants hereby submit the following documents for the above-identified patent application:

1. Supplemental Information Disclosure Statement;
2. PTO form-1449;
3. References cited herein (44), and
4. Postcard.

The Assistant Commissioner is hereby authorized to charge the associated filing fee in the amount of \$0.00 to Deposit Account No. 50-0271. Order No. WD2-98-120. A duplicate copy of this sheet is attached. The Assistant Commissioner is hereby authorized to charge any additional fees which may be required for the submission of this paper, or credit any overpayment, to Deposit Account No. 50-0271. Order No. WD2-98-120. A duplicate copy of this sheet is attached.

Respectfully submitted,

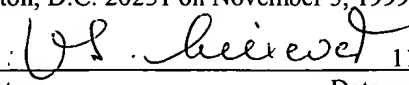
  
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November 3, 1999  
Date

Certificate of Mailing

I hereby certify that this correspondence is being sent via first class mail in an envelope with sufficient postage addressed to Assistant Commissioner for Patents, Washington, D.C. 20231 on November 3, 1999.

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Signature

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Group 2700

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Application of: Jay S. Walker et al. )  
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METHODS WHEREIN A )  
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PRODUCT PURCHASED )  
USING A COMMUNICATION )  
NETWORK )  
)  
Serial No.: 09/348,566 ) Group Art Unit: 2761  
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Filing Date: July 7, 1999 ) Docket No.: WD2-98-120

Assistant Commissioner for Patents  
Washington, D.C. 20231

**SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT**

Sir:

Applicants submit herewith patents, publications or other information of which they are aware that they believe may be material to the examination of this application, and in respect of which, there may be a duty to disclose.

The filing of this information disclosure statement shall not be construed as a representation that a thorough search has been made, an admission that the information cited is, or is considered to be, material to patentability, or that no other material information exists. Nor shall the filing of this information disclosure statement be construed as an admission against interest in any manner.

This Information Disclosure Statement is filed in accordance with 37 C.F.R. §§1.56, 1.97 and 1.98. The items listed below and on the accompanying Form PTO-1449 may be deemed to be pertinent to the above-identified application and are made of record to assist the Patent and Trademark Office in its examination of this application. The Examiner is respectfully requested to fully consider these items and to independently ascertain their teaching.

- A. U. S. Patent No. 4,737,910 entitled "APPARATUS FOR TRACKING INVENTORY", issued to Ronald H. Kimbrow on April 12, 1988.
- B. U. S. Patent No. 4,992,940 entitled "SYSTEM AND METHOD FOR AUTOMATED SELECTION OF EQUIPMENT FOR PURCHASE THROUGH INPUT OF USER DESIRED SPECIFICATIONS", issued to Ross E. Dworkin on February 12, 1991.
- C. U.S. Patent No. 5,117,354 entitled "AUTOMATED SYSTEM FOR PRICING AND ORDERING CUSTOM MANUFACTURED PARTS" issued to Long et al. on May 26, 1992.
- D. U.S. Patent No. 5,526,257 entitled "PRODUCT EVALUATION SYSTEM", issued to Sam Lerner on June 11, 1996.
- E. U.S. Patent No. 5,550,746 entitled "METHOD AND APPARATUS FOR STORING AND SELECTIVELY RETRIEVING PRODUCT DATA BY CORRELATING CUSTOMER SELECTION CRITERIA WITH OPTIMUM PRODUCT DESIGNS BASED ON EMBEDDED EXPERT JUDGMENTS", issued to Herbert H. Jacobs on August 27, 1996.
- F. U.S. Patent No. 5,592,378 entitled "COMPUTERIZED ORDER ENTRY SYSTEM AND METHOD", issued to Cameron et al. on January 7, 1997.
- G. U.S. Patent No. 5,611,051 entitled "POINT OF SUPPLY USE DISTRIBUTION PROCESS AND APPARATUS", issued to Thomas Pirelli on March 11, 1997.
- H. U.S. Patent No. 5,727,164 entitled "APPARATUS FOR AND METHOD OF MANAGING THE AVAILABILITY OF ITEMS", issued to Kaye et al. on March 10, 1998.

- I. U.S. Patent No. 5,739,512 entitled "DIGITAL DELIVERY OF RECEIPTS" issued to Bruce Tognazzini. on April 14, 1998.
- J. U.S. Patent No. 5,774,874 entitled "MULTI-MERCHANT GIFT REGISTRY" issued to Veeneman et al. on June 30, 1998.
- K. U.S. Patent No. 5,791,991 entitled "INTERACTIVE CONSUMER PRODUCT PROMOTION METHOD AND MATCH GAME" issued to Maynard E. Small on August 11, 1998.
- L. Canadian Patent Application No. 2,070, 736 entitled "METHOD OF AND SYSTEM FOR ELECTRONIC FUNDS TRANSFER VIA FACSIMILE WITH IMAGE PROCESSING VERIFICATION" issued to Benton et al. on June 8, 1992.
- M. Canadian Patent Application No. 2,217,739 entitled "ELECTRONIC PAYMENT METHOD FOR PURCHASE-RELATED TRANSACTIONS OVER A COMPUTER NETWORK" issued to Pays et al. on April 3, 1996.
- N. Abstract of Japanese Patent No. 08137951 entitled "INPUT DEVICE" issued to Nakagawa Shiro on May 31, 1996.
- O. European Patent Application No. EP 0 779 587 A2, A3 entitled "ON-LINE SHOPPING SYSTEM AND THE METHOD OF PAYMENT SETTLEMENT" issued to Koreeda Hiroki on September 11, 1996.
- P. PCT Publication No. WO 97/16797 entitled "PRODUCT EXCHANGE SYSTEM" issued to Fusz et al. on May 9, 1997.
- Q. PCT International Search Report for Application No. PCT/US97/13588 dated April 12, 1997.

- R. Anthony Joseph, "Baby the engine, and other saving tips", The Christian Science Monitor, November 4, 1986; Section: Autos '87 Pullout; Pg. B10.
- S. U.S. Patent No. 5,799,284 entitled "SOFTWARE AND HARDWARE FOR PUBLISHING AND VIEWING PRODUCTS AND SERVICES FOR SALE" issued to Roy E. Bourquin on August 25, 1998.
- T. U.S. Patent No. 5,822,736 entitled "VARIABLE MARGIN PRICING SYSTEM" issued to Hartman et al. on October 13, 1998.
- U. U.S. Patent No. 5,842,178 entitled "COMPUTERIZED QUOTATION SYSTEM AND METHOD" issued to Joseph Giovannoli on November 24, 1998.
- V. U.S. Patent No. 5,870,717 entitled "SYSTEM FOR ORDERING ITEMS OVER COMPUTER NETWORK USING AN ELECTRONIC CATALOG" issued to Charles Francis Wiecha on February 9, 1999.
- W. U.S. Patent No. 5,870,719 entitled "PLATFORM-INDEPENDENT, USAGE-INDEPENDENT, AND ACCESS-INDEPENDENT DISTRIBUTED QUOTE CONFIGURATION SYSTEM" issued to Maritzen et al. on February 9, 1999.
- X. U.S. Patent No. 5,875,110 entitled "METHOD AND SYSTEM FOR VENDING PRODUCTS" issued to Herbert H. Jacobs on February 23, 1999.
- Y. U.S. Patent No. 5,878,401 entitled "SALES AND INVENTORY METHOD AND APPARATUS" issued to Joseph Joseph on March 2, 1999.
- Z. U.S. Patent No. 5,883,810 entitled "ELECTRONIC ONLINE COMMERCE CARD WITH TRANSACTION PROXY NUMBER FOR ONLINE TRANSACTIONS" issued to Franklin et al. on March 16, 1999.

- AA. U.S. Patent No. 5,887,271 entitled "SYSTEM AND METHOD FOR LOCATING PRODUCTS IN A RETAIL SYSTEM" issued to Ken R. Powell on March 23, 1999.
- BB. U.S. Patent No. 5,890,136 entitled "QUICK STOP MASS RETAIL SYSTEM" issued to Ludwig Kipp on March 30, 1999.
- CC. U.S. Patent No. 5,907,830 entitled "ELECTRONIC COUPON DISTRIBUTION" issued to Engel et al. on May 25, 1999.
- DD. PCT Publication No. WO 97/16897 entitled "COMPUTERIZED PAYMENT SYSTEM FOR PURCHASING GOODS AND SERVICES ON THE INTERNET" issued to Rose et al. on May 9, 1997.
- EE. PCT Publication No. WO 97/44749 entitled "AUTOMATED AND INDEPENDENTLY ACCESSIBLE INVENTORY INFORMATION EXCHANGE SYSTEM" issued to Daniel S. Purcell on November 27, 1997.
- FF. PCT Publication No. WO 98/19260 entitled "MANY-TO-MANY PAYMENT SYSTEM FOR NETWORK CONTENT MATERIALS" issued to Theodor Nelson on May 7, 1998.
- GG. Abstract of Japanese Patent No. 10187820 entitled "COMMODITY SALE USING METHOD IN EC SYSTEM" published to Tsujiuchi Akihiko et al. on July 21, 1998.
- HH. Abstract of Japanese Patent No. 10214284 entitled "ON-LINE SHOPPING SYSTEM AND SERVER FOR THE SAME" published to Yamada Koji on November 8, 1998.

- II. "Six vendors sign on for early electronic commerce venture", Phillips Business Information, Inc. Voice Technology News, December 13, 1994; No. 25, Vol. 6; ISSN: 1045-1498.
- JJ. "Coupons & more", welcome to coolsavings.com - Copyright 1996-1999.  
(<http://208.134.230.42/cgi-win/tempprs.exe/first.htm>)
- KK. U.S. Patent No. 5,924,078 entitled "CONSUMER-PROVIDED PROMOTIONAL CODE ACTUATABLE POINT-OF-SALE DISCOUNTING SYSTEM" issued to Walter L. Naftzger on July 13, 1999.
- LL. U.S. Patent No. 5,924,080 entitled "COMPUTERIZED DISCOUNT REDEMPTION SYSTEM" issued to Glen Douglas Johnson on July 13, 1999.
- MM. Abstract of Japanese Patent No. 10240830 entitled "ELECTRONIC CATALOG SYSTEM" published to Mitsuda Tadashi et al. on November 9, 1998.
- NN. Abstract of Japanese Patent No. 10269049 entitled "REPRESENTATION METHOD IN SHOPPING MALL, AND INFORMATION PROCESSOR" published to Nanba Yasuharu et al. on September 10, 1998.
- OO. Abstract of PCT Publication No. WO 98/48388 entitled "PROCESS FOR GENERATING A CREDIT BY MEANS OF A PREPAID VOUCHER" published to Muller et al. on October 29, 1998.
- PP. PCT Publication No. WO 98/48563 entitled "RETAIL SYSTEM E.G. FOR PURCHASING GOODS OVER INTERNET - HAS POINT OF SALE CONNECTED TO NETWORK, TRANSACTIONS COMPUTER WITH PURCHASER NETWORK....." published to David I. Ben on October 29, 1998.

- QQ. Abstract of PCT Publication No. WO 98/49658 entitled "NETWORK PAYMENT SYSTEM E.G. FOR TRANSACTING SALE OF MERCHANDISE OVER INTERNET - LOADS AND USES SMART CARD FOR PAYMENT OF GOODS AND SERVICES PURCHASED ON-LINE..." published to Berg et al. on November 5, 1998.
- RR. Judith Evans, "Who was that masked Cybershopper?; MasterCard-Visa Agreement on Credit Card security may make ON-LINE commerce fly", The Washington Post, View Related Topics; February 2, 1996, Final Edition; Section: Financial; Pg. F01.
- SS. "First Virtual Holdings Releases Beta Software for Secure Transactions on Microsoft Merchant Server", PR Newswire, March 31, 1997; Section: Financial News.
- TT. PCT Publication No. WO 99/04326 entitled "PRINTED COUPONS WITH EMBEDDED DISCOUNTS FOR ONLINE PURCHASES" published to Durst et al. on January 28, 1999.
- UU. PCT Publication No. WO 99/07121 entitled "METHOD AND SYSTEM FOR CONDUCTING ELECTRONIC COMMERCE TRANSACTIONS" published to Richard J. Fetik on February 11, 1999.
- VV. PCT Publication No. WO 99/09508 entitled "REMOTE ELECTRONIC RETAILING" published to Gower Smith on February 25, 1999.
- WW. "The easy, pain-free way to buy or lease your next car", What is autoseek; (<http://www.autoseek.com/#what>) download date: May 28, 1997
- XX. Nora Lockwood Tooher, "Macy's new gift card gets trial run in Warwick", The Providence Journal-Bulletin; October 1, 1998; Section: Business; Pg. 1E.



- YY. Denise Caruso, "Digital Commerce; The boom in on-line shopping adds a twist to the old quandary of how to tax interstate purchases", The New York Times, View Related Topics, December 28, 1998; Late Edition - Final; Section: C; Pg. 3; Column 5; Business/Financial Desk.
- ZZ. James Fallon, "Safeway puts ordering into Customers' palms", Executive Technology, January 1999.
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- CCC. "WebVoucher", ([www.pinex.co.uk/webvoucher/](http://www.pinex.co.uk/webvoucher/)), download date: March 14, 1999.
- DDD. "Welcome to Planet U, providers of U-pons - Internet Coupons - Internet Coupons";  
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- EEE. Webcertificate, the perfect gift-giving solution...It's quick! It's Easy! It's Secure!";  
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- FFF. "Kmart expands inventory via in-store kiosks", June 20, 1999, RTNews;  
([www.retailtech.com](http://www.retailtech.com)).

GGG. David Lazarus, "E-Commerce, Japanese style", Wired online page, June 7, 1999.

HHH. "Mercata - Group Buying Power",

(<http://www.mercata.com/cgi-bin/mercata/mercata/v1/pages/home.jsp>), download date: June 7, 1999.

III. "Wal-Mart vs. Amazon: The fight begins"; Yahoo News, June 9, 1999.

JJJ. "Circuit City to Integrate E-Commerce with store shopping; retailer's E-superstore - [www.circuitcity.com](http://www.circuitcity.com) to Open in July", PR Newswire, June 15, 1999; Section: Financial News.

KKK. James Frederick, "Walgreens gears for opening of its own Internet pharmacy", Drug Store News, Chain Pharmacy, A Lebhar-Friedman Publication, July 19, 1999.

LLL. Shop the Marketplace, 1-800-flowers.com;

(<http://www.1800flowers.com/flowers/welcome.asp>) download date: August 3, 1999.

MMM. "The Leader in Internet Shopping Systems for Supermarkets and Drug Stores", groceries online. Copyright 1996 Groceries Online, Inc.

(<http://www.groceries-online.com/>), download date: August 3, 1999.

NNN. "Internet Wine Gift Company Offers Answer to Recent Legislation",

Yahoo!.FINANCE, *PRNewswire*, Company Press Release; August 10, 1999.

1. ☐ Any copy of the items listed above and on the enclosed copy of Form PTO-1449 that is not enclosed with this Information Disclosure Statement was previously cited by or submitted to the Patent and Trademark Office in the prior ☐ Continuation, ☐ Divisional or ☐ Continuation in part application filed under 37 C.F.R. §§ 1.53 or 1.60, U.S. Serial No. \_\_\_\_\_, filed \_\_\_\_\_.
2. ☐ For each of the following items listed above and on the enclosed copy of Form PTO-1449 that is not in the English language, a European Search Report from a counterpart European application is enclosed. Such items are marked as reference letter(s): \_\_\_\_\_.
3. ☐ For each of the following items listed above and on the enclosed copy of Form PTO-1449 that is not in the English language, a concise explanation of the relevance of that item is incorporated in the specification of the above-identified application. Such items are marked as reference letter(s): \_\_\_\_\_.
4. ☐ In addition to the citations listed above, applicants respectfully direct the Examiner's attention to the following U.S. patent applications, which are commonly assigned to the assignee of the instant application, and which may be deemed pertinent to the instant application:

| <u>Serial No.</u> | <u>Inventors</u> | <u>Filing Date</u> | <u>Group Art Unit</u> | <u>Examiner's Init.</u> |
|-------------------|------------------|--------------------|-----------------------|-------------------------|
|-------------------|------------------|--------------------|-----------------------|-------------------------|

The Examiner is respectfully requested to fully consider and independently ascertain the teachings and relevance of those applications with respect to the instant application.

5. ☒ No fee is believed to be due under 37 C.F.R. §1.17(p) for this Information Disclosure Statement since it is being filed in compliance with:
  - ☐ 37 C.F.R. §1.97(b)(1), within three months of the filing date of the above-identified application.
  - ☐ 37 C.F.R. §1.97(b)(2), within three months of the date of entry into the national stage as set forth in §1.491.
  - ☒ 37 C.F.R. §1.97(b)(3), before the mailing date of a first Office Action on the merits.

6. [ ] No fee is believed to be due under 37 C.F.R. §1.17(p) for this Information Disclosure Statement since it is being filed in compliance with 37 C.F.R. 1.97(c), after the period specified in paragraph 5 above but before the mailing date of a final action or a Notice of Allowance (where there has been no prior final action), and is accompanied by one of the certifications pursuant to 37 C.F.R. §1.97(e) set forth in paragraph 10 below.
7. [ ] A fee is due under 37 C.F.R. §1.17(p) for this Information Disclosure Statement since it is being filed in compliance with 37 C.F.R. §1.97(c) after the period specified in paragraph 5 above but before the mailing date of a final action or a Notice of Allowance (where there has been no prior final action). The fee due under 37 C.F.R. §1.17(p) is to be paid as set forth in paragraph 11 below.
8. [ ] A fee is due under 37 C.F.R. §1.17(i)(1) for this Information Disclosure Statement since it is being filed in accordance with 37 C.F.R. §1.97(d), after the mailing date of a final action or a Notice of Allowance, but before the payment of the issue fee, and is accompanied by:
- a. one of the certifications pursuant to 37 C.F.R. §1.97(e) set forth in paragraph 10 below; and
  - b. this document is to be considered as a petition requesting consideration of the information disclosure statement.
  - c. the fee due under 37 C.F.R. §1.17(i)(1) which is paid as set forth in paragraph 11 below.
9. [ ] A fee is due under 37 C.F.R. §1.17(i)(1) for this Information Disclosure Statement since it is being filed in compliance with:
- [ ] 37 C.F.R. §1.313(b)(3), after the issue fee has been paid and information cited in this Information Disclosure Statement may render at least one claim unpatentable and is accompanied by the attached Petition to Withdraw Application from Issue;
  - [ ] 37 C.F.R. §1.313(b)(5), after the issue fee has been paid and information cited in this Information Disclosure Statement is to be considered in a Continuation application upon abandonment of the instant application and is accompanied by the attached Petition to Withdraw Application from Issue.
  - [ ] The fee due under 37 C.F.R. §1.17(i)(1) is paid as set forth in paragraph 11 below.

10. ☐ I hereby certify:

- ☐ that each item of information contained in the Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this Information Disclosure Statement. A copy of such communication is enclosed.
- ☐ that no item of information contained in this Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application and, to the knowledge of the undersigned after making reasonable inquiry, was known to any individual designated in §1.56(c) more than three months prior to the filing of this Information Disclosure Statement.

11. ☐ Please accept payment of the fees due as indicated below:

- ☐ A check in the amount of \$240.00 is enclosed in payment of the fee due under 37 C.F.R. 1.17(p).
- ☐ The Commissioner is hereby authorized to charge \$240.00 to Deposit Account No. 50-0271 in payment of the fee due under 37 C.F.R. §1.17(p). A duplicate copy of this sheet is attached for such purpose
- ☐ A check in the amount of \$130.00 is enclosed in payment of the fee due under 37 C.F.R. §1.17(i)(1).
- ☐ The Commissioner is authorized to charge \$130.00 to Deposit Account No. 50-0271 in payment of the fee due under 37 C.F.R. §1.17(i)(1). A duplicate copy of this sheet is attached.

12. ☒ The Commissioner is hereby authorized to charge any additional fees which may be required for this Information Disclosure Statement, or credit any overpayment to Deposit Account No. 50-0271. A copy of this authorization is attached.

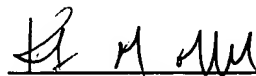
Respectfully submitted,

November 3, 1999  
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